

directory assistance platforms; and access to Qwest's customized routing service.

Simpson/Stewart UNEs Decl. at ¶¶ 41-44.

The EEL is a combination of loop and dedicated interoffice transport and may also include multiplexing or concentration capabilities. It enables CLECs to access unbundled loops for end users without having to collocate in the central office in which those loops terminate. Qwest offers EEL facilities to CLECs that certify they will be used to provide significant local exchange traffic to a particular end user under one of the three options identified by this Commission in the *Supplemental Order Clarification*. 15 FCC Rcd at 9598-9600 ¶ 22. EEL transport and loop facilities may utilize DS0 through OC-192 or other existing bandwidths. Qwest offers DS0, DS1 and DS3 bandwidths as defined products. CLECs can order other existing bandwidths through the Special Request Process or the BFR process, depending on whether the bandwidth already exists within Qwest's network. Simpson/Stewart UNEs Decl. at ¶¶ 83-88.

(1) Qwest Is Satisfying Significant CLEC Demand for UNE-P

Qwest is successfully and promptly installing and repairing UNE-P for CLECs in commercial volumes. As of March 31, 2002, Qwest had in service 79,406 UNE-P combinations for nine CLECs in Colorado, 11,438 UNE-P combinations for seven CLECs in Idaho, 110,471 UNE-P combinations for six CLECs in Iowa, 4,446 UNE-P combinations for five CLECs in Nebraska, and 21,149 UNE-P combinations for five CLECs in North Dakota.

(2) Qwest Is Provisioning UNE-P in Accordance with Negotiated Performance Metrics

The following section discusses Qwest's commercial performance with respect to installation and repair of UNE-P in the states included in this Application between January and April, 2002. Qwest measures the actual commercial performance of UNE-P-POTS and UNE-P-

Centrex. These performance data show that Qwest has successfully and promptly installed and repaired UNE-P-POTS and UNE-P-Centrex for CLECs.

(a) Colorado Performance Data

UNE-P-POTS. Qwest's performance with respect to the installation of UNE-P-POTS in Colorado was excellent. Qwest's performance results for UNE-P are disaggregated into orders that require the dispatch of a technician ("dispatch orders") and those that do not ("non-dispatch orders"). Qwest's installation PIDs include the same measures the FCC has used to judge previous Section 271 applications: installation commitments met, average installation interval, and installation service quality. Under these three measures, Qwest did not record a single disparity between wholesale and retail performance. Simpson/Stewart UNEs Declaration at ¶ 56-57. Qwest's only performance disparity was under another PID that measures delayed days for non-facility reasons, where Qwest still achieved parity in three of four months. *Id.* at ¶ 57. In short, Qwest achieved parity on 35 out of 36 installation measures over four months.

Qwest's maintenance and repair of UNE-P-POTS in Colorado was also excellent. Qwest's maintenance and repair PIDs include trouble rate, repair repeat report rate, mean time to restore, and two PIDs that measure Qwest's success in clearing trouble reports. Between January and April, the trouble rate for UNE-P-POTS was never higher than 1.4% and was at parity with the trouble rate for comparable Qwest retail installations in all four months. *Id.* at ¶ 58. The only major repair category in which Qwest recorded multiple performance disparities was repair repeat report rate for non-dispatch orders, where Qwest achieved parity in one month. *Id.* However, Qwest's performance under this measure improves when trouble reports for which no trouble is found are excluded from the performance measure. *Id.* Under the other primary repair PIDs, Qwest recorded no performance disparities, and out of a total of 44 maintenance and repair performance measures, Qwest achieved parity in all but three cases.

UNE-P-Centrex. Qwest met virtually all of the performance standards measuring UNE-P-Centrex installation. Under the PID that measures installation commitments met, Qwest achieved parity between retail and wholesale performance in all four months. *Id.* at ¶ 59. With respect to average installation intervals for orders requiring dispatches, Qwest recorded no performance disparities for dispatch orders. *Id.* For non-dispatch orders, Qwest recorded disparities in two months. *Id.* Even so, CLEC installation intervals were relatively short, with a four-month average of approximately five days for non-dispatch orders, at parity with the retail four-month average. *Id.* With respect to installation service quality for UNE-P-Centrex, Qwest achieved parity without exception in all four months. *Id.* at ¶ 60. Thus, out of a total of 36 performance measures for UNE-P-Centrex installation, Qwest achieved parity between retail and wholesale performance in all but two instances.

Qwest's performance with respect to maintenance and repair of UNE-P-Centrex was also strong. The only significant performance disparities recorded between January and April were under the trouble rate measure. But even though Qwest did not achieve parity in any month under the trouble rate measure, the actual trouble rate for CLEC UNE-P-Centrex was very low, averaging 1.18% over four months. *Id.* at ¶ 61. With such a low average trouble rate, the disparities between retail and wholesale cannot be considered competitively significant, especially in light of Qwest's excellent performance under every other maintenance and repair measure: Qwest narrowly missed parity once in four months under the measure for repair repeat report rate on orders requiring no dispatch, but recorded no other disparities under this or any other repair PID. *Id.* In short, Qwest achieved parity in 39 out of 44 repair measures for UNE-P-Centrex.

(b) Idaho Performance Data

UNE-P-POTS. Between January and April, Qwest achieved parity between retail and wholesale performance under nearly every PID measuring UNE-P-POTS provisioning in Idaho. Qwest achieved parity in all four months under the measure for installation commitments met, meeting more than 95% of its commitments to CLECs for dispatch orders and nearly 100% for non-dispatch orders. *Id.* at ¶ 62. Qwest achieved parity in three out of four months under the measures for installation interval and new installation quality. *Id.* In short, out of a total of 36 installation performance measures, Qwest achieved parity in all but three instances.

Repair of UNE-P-POTS. The overall trouble rate for CLEC UNE-P-POTS was never higher than 1.27% and was at parity with Qwest's retail performance in every month. *Id.* at ¶ 63. Under every other performance measure, Qwest's performance was nearly perfect: out of a total of 44 measures for UNE-P-POTS maintenance and repair in Idaho, Qwest achieved parity in all but one instance.

UNE-P-Centrex. CLECs have placed few orders for UNE-P-Centrex in Idaho, and none in the January to April time period. Therefore Qwest did not record any performance for UNE-P-Centrex in Idaho for these months. *Id.* at ¶ 64.

Repair of UNE-P-Centrex. Qwest recorded performance in Idaho under only one repair PID, that for trouble rate, and Qwest achieved parity in all four months. *Id.* at ¶ 65. CLECs submitted no trouble reports between January and April, so the trouble rate was 0.0%. Consequently, Qwest recorded no repair performance for UNE-P-Centrex between January and April.

(c) Iowa Performance Data

UNE-P-POTS. Qwest achieved parity in all four months under the measures for installation commitments met and installation service quality. *Id.* at ¶ 66. As for installation

intervals, Qwest recorded two disparities between retail and wholesale performance. *Id.* However, these disparities were very slight, and the average interval over four months was only 3.10 days for wholesale, compared to 3.07 days for retail. In short, out of a total of 36 installation performance measures, Qwest achieved parity in all but two cases.

Qwest also performed well in maintaining and repairing UNE-P-POTS for CLECs in Iowa. The overall trouble rate for CLEC UNE-P-POTS was never higher than .93% and was at parity with Qwest's retail performance in every month. *Id.* at ¶ 67. Qwest achieved parity under the repair repeat report rate measure in three of four months for orders requiring the dispatch of a technician. *Id.* For non-dispatch orders under the same measure, Qwest achieved parity in two of four months. *Id.* As in Colorado, however, excluding the trouble reports for which no trouble was found eliminates the disparities in the other two months. Qwest achieved parity in all four months under every other repair PID. *Id.* The few disparities Qwest recorded are due in part to low CLEC volumes and should be considered in the context of Qwest's overall performance: out of a total of 44 measures for UNE-P-POTS maintenance and repair in Iowa, Qwest achieved parity in all but three cases.

UNE-P-Centrex. Qwest's performance with respect to UNE-P-Centrex installation was excellent. Qwest achieved parity in all four months under the measures for installation commitments met and installation service quality. *Id.* at ¶ 68. Qwest's installation intervals for CLECs were at parity with retail intervals in all four months for dispatch installations and in three of four months for non-dispatch orders. *Id.* In short, out of a total of 36 installation performance measures, Qwest achieved parity on all but one.

Qwest's performance with respect to maintenance and repair of UNE-P-Centrex was also good. The only significant performance disparities recorded were under the trouble rate

measure. But even though Qwest did not achieve parity in any month during that period, the trouble rate for CLEC UNE-P-Centrex was very low, never exceeding 1.0% and with a four-month average less than 0.5% different than the retail trouble rate. *Id.* at ¶ 69. Under every other measure, Qwest's performance was at or above the performance standard, and out of a total of 44 repair measures, Qwest achieved parity in all but four instances. *Id.*

(d) Nebraska Performance Data

UNE-P-POTS. Qwest met more than 99% of its installation commitments to CLECs between January and April, achieving parity in all four months. *Id.* at ¶ 70. Qwest also achieved parity in every month for installation service quality and for average installation interval for orders requiring a dispatch. *Id.* at ¶¶ 70, 72.

For non-dispatch orders, Qwest did not achieve parity in any month, although the four-month average interval was less than 4.5 days. *Id.* at ¶ 71. Qwest instituted process improvements effective April 12, 2002 to address this issue. In April, Qwest discovered that its flow-through system was processing orders with CLEC-requested Sunday due dates by changing the due date to the following Monday and coding the order as a Qwest due date change, rather than rejecting the CLEC request as an invalid due date. Because Sunday is not an offered due date, in the future requests for Sunday due dates will be returned to the CLEC as an invalid request rather than automatically changing the interval out one day. Well over half the orders submitted in April contained this anomaly causing the overall average to be extended giving the appearance of disparity. *Id.* In short, out of 36 installation performance measures, Qwest achieved parity in all but four instances.

As for maintenance and repair, the overall trouble rate for CLEC UNE-P-POTS was never higher than 1.12% and was at parity with Qwest's retail performance in all four months. *Id.* at ¶ 73. Under every other maintenance and repair performance measure, Qwest

achieved parity in at least three of four months, and out of a total of 44 measures, Qwest achieved parity in all but two cases.

UNE-P-Centrex. Qwest did not have any CLEC orders for UNE-P-Centrex in Nebraska during the past four months, so no data were recorded for installation or for maintenance and repair. *Id.* at ¶ 74.

(e) North Dakota Performance Data

UNE-P-POTS. Between January and April, Qwest met 100% of its installation commitments to CLECs, achieving parity with retail service in every month. *Id.* at ¶ 75. Qwest achieved parity in all four months for installation service quality and in three of four months for installation interval. *Id.* Out of a total of 36 UNE-P-POTS installation performance measures over four months, Qwest achieved parity in every instance but one.

As for maintenance and repair, the overall trouble rate for CLEC UNE-P-POTS was never higher than 1.13% and was at parity with Qwest's retail performance in three out of four months. *Id.* at ¶ 76. Under every other maintenance and repair PID Qwest achieved parity in at least three of four months, and out of a total of 44 measures Qwest achieve parity on all but four. *Id.*

UNE-P-Centrex. Between January and April, with only one exception, Qwest met every performance standard measuring UNE-P-Centrex installation in at least three out of four months. The only exception is under installation service quality, where Qwest did not achieve parity in any month. *Id.* at ¶ 77. This exception to Qwest's generally strong performance is due to low CLEC volumes: only 13 CLEC orders in four months. As the Commission has noted, low volumes can distort performance results. *See Kansas/Oklahoma 271 Order*, 16 FCC Rcd at 6332-33 (¶ 191). Furthermore, Qwest's overall installation performance

was strong: Qwest achieved parity on 30 out of 36 installation performance measures for UNE-P-Centrex in North Dakota.

Qwest's performance with respect to maintenance and repair of UNE-P-Centrex was even better. The only significant performance disparities recorded in January through April were under the trouble rate measure. But even though Qwest did not achieve parity in any month during that period, the trouble rate for CLEC UNE-P-Centrex was very low, averaging 0.65% over four months, a figure too small to be considered competitively significant. Simpson/Stewart UNE Decl. at ¶ 79. Under all other maintenance and repair measures, Qwest's performance was perfect, and out of a total of 44 measures, Qwest achieved parity in all but four cases.

(3) Qwest Has Only Recently Begun to Provision EELs

Qwest has just begun to receive orders from CLECs for EELs in the states included in this Application. As of March 31, 2002, Qwest had in service 92 EELs for CLECs in Colorado, one EEL in Idaho, and none in Iowa, Nebraska or North Dakota. Colorado is the only state with performance results for EELs between January and April. Because of the low commercial volumes for EELs, the ROC TAG established all measurements as diagnostic for EELs, with the exception of installation commitments met, for which the TAG established a benchmark of 90%. Qwest's performance to date has been in the 75-80% range, and Qwest expects its performance to improve as it gains experience in provisioning EELs. *Id.* at 92.

Qwest has received so few requests for EELs that meaningful analysis of its commercial performance is difficult, a fact that the ROC TAG has acknowledged. In January 2002, the TAG decided to suspend EEL testing because commercial volumes were too low to develop statistically significant results. As a result, one Third Party Test issue relating to Qwest's EEL provisioning practices had to be closed as "inconclusive." KPMG Disposition

Report, Exception 3104 (Feb. 26, 2002). At issue was a failure of Qwest personnel to adhere to Qwest's DS1 EEL circuit provisioning methods and procedures. The independent auditor, KPMG, concluded that the issue could not be resolved "due to an insufficient volume of data from which to draw a conclusion." *Id.*

Although it was unable to reach a conclusion on this issue, KPMG recognized that in order to avoid similar problems with future EEL orders, Qwest had retrained the relevant personnel and had sent revised methods and procedures documentation to all central office and field technicians. *Id.* KPMG also noted Qwest's overall responsiveness in the testing process. 28/

The other major EEL issue that KPMG's test addressed involved inconsistencies in DS1 EEL provisioning documentation. KPMG Seventh Response, Observation 3054 (May 10, 2002), at 1. KPMG found that Qwest had successfully corrected the inconsistencies and that the issue had been resolved. *Id.* at 55.

In summary, despite low commercial volumes, Qwest's policies and procedures for provisioning EELs, which have been honed through the OSS testing process, ensure that CLECs will have nondiscriminatory access to EELs should they begin to order them in greater volumes.

3. Checklist Item 3: Access to Poles, Ducts, Conduits, and Rights-of-Way

Section 271(c)(2)(B)(iii) of the Act requires a Section 271 applicant to comply with Section 224 of the Act, which requires that ILECs "provide . . . telecommunications carrier[s] with nondiscriminatory access to any pole, duct, conduit, or right-of-way [the ILEC]

28/ KPMG Exception Report, Exception 3104 (Dec. 26, 2001) (noting that "Qwest has continually provided updated and additional documents as testing activities have progressed").

own[s] or control[s].” 47 U.S.C. §§ 271(c)(2)(B)(iii), 224(f)(1),(2). *See also Pennsylvania 271 Order*, App. C, ¶ 47; *Texas 271 Order*, 15 FCC Rcd at 18478, ¶ 243, n.688 (citing *Local Competition First Report and Order*, 11 FCC Rcd at 16080-81, ¶¶ 1175-77). An ILEC may deny access only on a nondiscriminatory basis, and only due to “insufficient capacity” or for “reasons of safety, reliability and generally applicable engineering purposes.” *Id.* In addition, the Act establishes a methodology by which the maximum just and reasonable rates ILECs may charge can be calculated. The FCC’s rules mirror these requirements (*see* 47 C.F.R. § 1.1403(a) (access); *id.*, §§ 1.1409(e), 1.1417-1.1418 (charges)), and further require ILECs to (i) grant access (or issue a denial in writing stating the reasons therefor) within 45 days of a request (*id.*, § 1.1403(b)); (ii) provide at least 60 days written notice prior to any increase in pole attachment rates, demand for removal of attachments, or modification of facilities other than for routine maintenance or to respond to emergencies (*id.* § 1.1403(c)); and (iii) charge non-recurring facilities modification fees necessitated by pole attachments at cost, on a cost-causer-pays basis. *Local Competition First Report and Order*, 11 FCC Rcd at 16096 ¶ 1211.

Qwest makes all of its poles, ducts, conduits and rights-of-way available to competitors in the application states pursuant to Section 10.8 of its respective state SGATs, through individually-negotiated, state-approved interconnection agreements, and under a stand-alone agreement developed prior to enactment of the 1996 Act. Declaration of Thomas R. Freeberg, Access to Poles, Ducts, Conduits and Rights-of-Way (“Freeberg Access to Poles Decl.”), Att. 5, App. A, at 8-10. The stand-alone agreement is available to any CLEC that seeks access to Qwest’s poles, ducts, conduits or rights-of-way but does not wish to negotiate or opt into a comprehensive interconnection agreement with Qwest. *See id.* at 9.

Qwest takes several steps to ensure that CLECs have access in a nondiscriminatory manner to Qwest's poles, ducts, conduits and rights-of-way. Those steps include (1) providing access to records; (2) maintaining an explicit and easy-to-follow ordering and application process; (3) assisting prospective attachers throughout the ordering and application process and/or in planning attachments; (4) allocating space to itself and competitors on a nondiscriminatory basis; and (5) promptly responding to requests for access. *Id.* at 10-11.

Qwest determines the availability of space in a non-discriminatory manner consistent with Section 224 of the Act and the FCC's orders and rules thereunder. *Id.* at 19-20; SGAT § 10.8.2.6. Specifically, Qwest assigns space on a first-come, first-served basis. Qwest records its own designations for space in the same databases used to record CLEC space designations. In accordance with FCC rules, Qwest does not reserve space for itself on or in its facilities. *Local Competition First Report and Order* ¶ 1170. In short, Qwest does not favor itself over other carriers in provisioning access to poles, ducts, conduits, or rights-of-way. *See* SGAT § 10.8.2.

Qwest completes make-ready and modification work for competitors in materially the same manner that it completes such work for itself. Qwest ensures that the costs of modifications are allocated only to the parties that benefit from them. Qwest, however, removes old, inactive cables at no charge to CLECs. *Freeberg Access to Poles Decl.* at 22.

Qwest applies rates consistent with the Commission's formulas. As of February 8 and July 30, 2001, Qwest began implementing new rates, consistent with the FCC formulas adopted pursuant to Section 224(e) of the Act, for attachers that provide telecommunications service. In accordance with FCC rules, the rate for telecommunications attachers is being phased in through equal 20-percent increments over a five-year period. *Id.* at 22-23. Qwest provides at

least 60 days written notice of rate changes and facilities modifications or alterations. *Id.* at 23. Qwest's charges for pole and conduit inquiries, field verifications, make-ready work and facilities modifications are based on the actual cost of that work. *Id.*

Qwest makes all of its poles, ducts, conduits and rights-of-way available to competitors in each of the application states. As of March 31, 2002, the most recent period for which data is available, Qwest was providing access as follows: in Colorado, five CLECs occupied 6,789 feet of Qwest duct and five CLECs had attached to 104 Qwest poles; in Idaho, one CLEC occupied 1,022 feet of Qwest duct and one CLEC had attached to 325 Qwest poles in the state; in Iowa, one CLEC occupied 36,458 feet of Qwest duct and three CLECs had attached to 350 Qwest poles in the state; in Nebraska, two CLECs occupied 229,324 feet of Qwest duct; and in North Dakota, one CLEC occupied 196 feet of Qwest duct and another CLEC had attached to 108 Qwest poles. *Id.* at 26, 31-35. These quantities do not include carriers that have cable television provider status, but may also be providing local telephone service. *Id.* In the aggregate, space has been made available in 230,000 feet of Qwest conduit and on 38,000 Qwest poles to all third-party carriers in Colorado; in 140,000 feet of Qwest conduit and on 37,800 Qwest poles to all third-party carriers in Idaho; in 101,000 feet of Qwest conduit and on 35,000 poles to all third-party carriers in Iowa; in 425,800 feet of Qwest conduit to all third-party carriers in Nebraska; and in 36,000 feet of Qwest conduit and on 5,500 Qwest poles to all third-party carriers in North Dakota. *Id.*

The FCC has an extensive pole attachment complaint process if CLECs are dissatisfied with Qwest's performance. *See* 47 U.S.C. §§ 1.1401 *et seq.* Qwest has not been the subject of any FCC pole attachment complaints.

4. Checklist Item 4: Loops

Section 271(c)(2)(B)(iv) of the Act requires that a BOC wishing to offer in-region interLATA service provide “local loop transmission from the central office to the customer’s premises, unbundled from local switching or other services.” ^{29/} The loop unbundling requirement applies to various types of loops, including 2-and 4-wire analog voice-grade loops, as well as 2- and 4-wire loops that are conditioned to transmit the digital signals needed to provide service such as ISDN, ADSL, HDSL, and DS1-level signals. *See Local Competition First Report and Order*, 11 FCC Rcd at 15691, ¶ 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, ¶¶ 166-67.

Qwest is providing commercial volumes of unbundled loops, and is doing so in a high-quality manner that satisfies all established performance metrics. Qwest provides unbundled loops to CLECs in Colorado, Idaho, Iowa, Nebraska and North Dakota in a timely, nondiscriminatory manner, consistent with the requirements of the Act and the FCC’s rules and orders. 47 U.S.C. § 271(c)(2)(B)(iv); *see also Arkansas/Missouri 271 Order*, 16 FCC Rcd at App. D, ¶¶ 48-49; *UNE Remand Order*, 15 FCC Rcd at 3772-78, ¶¶ 166-79; 47 C.F.R. § 51.319(a)(1). Through its SGAT and negotiated, state-approved interconnection agreements, Qwest makes available to CLECs all types of loops identified by the FCC as part of the loop unbundling requirement, including voice-grade analog loops, xDSL-capable loops, and high-capacity loops. Declaration of William M. Campbell, Unbundled Loops (“Campbell Decl.”) at

^{29/} 47 U.S.C. § 252(d)(3); *see also Arkansas/Missouri 271 Order*, App. D, ¶ 48. In the *UNE Remand Order*, the FCC defined the local loop as “a transmission facility between a distribution frame (or its equivalent) in the incumbent LEC central office and the loop demarcation point at an end-user customer premises, including inside wire owned by the incumbent LEC. The local loop network element includes . . . dark fiber, attached electronics (except those electronics used for the provision of advanced services, such as Digital Subscriber Line Access Multiplexers), and line conditioning.” *UNE Remand Order*, 15 FCC Rcd at 3772-78, ¶¶ 166-79; *see also* 47 C.F.R. § 51.319(a)(1).

¶¶ 12-26; *see also Local Competition First Report and Order*, 11 FCC Rcd at 15691, ¶ 380; *UNE Remand Order*, 15 FCC Rcd at 3772-73, ¶¶ 166-67. Qwest performs hot cuts for CLECs and provides CLECs with access to unbundled loops provisioned using integrated digital loop carrier ("IDLC") technology where technically feasible. Campbell Decl. at ¶¶ 42-45. In addition, Qwest conditions loops where necessary to allow CLECs to provide digital services. *Id.* at ¶¶ 35-38. Qwest also gives CLECs nondiscriminatory access to pre-order loop make-up information. OSS Decl. at Sec. III(A)(2)(f). Qwest provides line sharing and line splitting, as well as subloops and network interface devices ("NIDs"). *See generally* Karen A. Stewart Line Sharing and NID/Subloop Declarations, Att. 5, App. A.

Qwest's procedures for providing unbundled loops have been rigorously examined in collaborative workshop processes conducted by the Facilitator as part of the multi-state process, by the State Authorities, and by other states in Qwest's region. As a result, they reflect voluminous input from CLECs and State Authorities. Any concerns the CLECs had about Qwest's unbundled loop policies and processes have been resolved either through consensus or by orders of the State Authorities.

Qwest has provisioned substantial numbers of unbundled loops to CLECs in the states included in this Application. As of March 31, 2002, Qwest had in service 112,121 unbundled loops in those states. (This figure represents stand-alone loops only, not those provided as part of a UNE combination.) Specifically, in the states included in this Application, Qwest had in service 94,258 unbundled voice-grade analog loops, 17,269 xDSL-capable loops, and 594 high-capacity loops. The volume of unbundled loops in service demonstrates that Qwest is provisioning loops to CLECs in a nondiscriminatory fashion.

The following section discusses Qwest's commercial performance with respect to installation and repair of unbundled loops in the states included in this Application between January and April, 2002. The discussion under each state is grouped according to the three main categories of loops: analog, xDSL-capable, and high-capacity loops. These performance data show that Qwest has successfully and promptly installed and repaired all types of unbundled loops for CLECs.

a) Colorado Performance

As of March 31, 2002, Qwest had in service 49,532 unbundled stand-alone loops for 16 CLECs in Colorado. Specifically, Qwest had in service 39,435 unbundled voice-grade analog loops, 9,611 xDSL-capable loops, and 486 high-capacity loops. *Id.* at ¶ 73.

Analog Loops – Installation. Most of the loops Qwest provisions to CLECs in Colorado are analog loops, and Qwest consistently provisions them in a timely and nondiscriminatory fashion. Qwest's installation PIDs include the same measures the FCC has used to judge previous Section 271 applications: installation commitments met, average installation interval, and installation service quality. For analog loop installations in Colorado, Qwest met the performance benchmarks under these three PIDs without exception in all four months. *Id.* at ¶¶ 74-75.

In addition to installing new loops, Qwest converts existing customers to CLEC service via hot cuts. The vast majority (nearly 100%) of loops provisioned via hot cut are analog loops. Loops provisioned via hot cut are included in the performance measures discussed in the preceding paragraphs for installation commitments met, installation interval, and installation service quality. Qwest's excellent performance on analog loops therefore takes into account hot cut loops as well as new loops. In addition, Qwest tracks the time it takes to complete the hot cut "lift and lay" procedure (i.e., moving a customer's line from a Qwest switch to a CLEC switch).

Between January and April, Qwest averaged between three and four minutes for an analog hot cut loop. *Id.* at ¶¶ 76-77.

Qwest also measures the on-time completion rate for coordinated installations of unbundled loops, the vast majority of which (approximately 90%) are conversions of existing customers to CLEC service. Under this measure, between January and April Qwest performed approximately 99% of coordinated installations on time for analog loops, and approximately 98% for all other loops, surpassing the negotiated performance benchmark in each month. *Id.* at ¶ 78. In short, the PIDs designated to measure loop performance demonstrate that Qwest is performing hot cuts in a timely and nondiscriminatory fashion.

Analog Loops – Maintenance and Repair. Qwest's performance with respect to maintenance and repair of analog loops has been outstanding: between January and April, Qwest did not record a single performance disparity under any repair measure. Of particular note was the trouble rate, which was never higher than 1.52% during that time. *Id.* at ¶ 80.

xDSL-Capable Loops. Qwest's xDSL-capable loop offerings include 2-wire non-loaded, 4-wire non-loaded, ISDN-capable, ADSL-compatible, and xDSL-I-capable loops. For all of these loop types, which are measured by the same performance metrics described in the analog loop performance section above, Qwest's performance from January through April was perfect: Qwest did not record a single disparity between retail and wholesale performance in any month for either installation or repair. *Id.* at ¶ 81.

Qwest measures installation commitments met and installation intervals separately for conditioned loops, and between January and April, Qwest's performance with respect to conditioned loops was good: under the installation interval PID, Qwest met the negotiated performance benchmark in the two months with activity. On the commitments met

measure, Qwest met the 90% benchmark in March. Due to the low volume of loops with conditioning being ordered by CLECs, Qwest must meet 100% of its installation commitments in order to achieve the 90% benchmark. Qwest's regional data show a clear upward trend, with Qwest above the 90% benchmark in April. *Id.* at ¶ 82.

High-Capacity Loops – Installation. Qwest's high-capacity loop offerings include DS1, DS3 and higher, OCn, and dark fiber loops. CLECs have requested few high-capacity loops – only 486, which is less than 1% of the loops Qwest has in service for CLECs in Colorado. Between January and April, Qwest achieved parity in all four months under every single installation performance measure for high-capacity loops. *Id.* at ¶¶ 83-84.

High-Capacity Loops – Maintenance and Repair. Qwest's performance with respect to high-capacity loop maintenance and repair has been strong. The only repair measure under which Qwest recorded significant disparities was the trouble rate measure, where Qwest achieved parity only once. However, when the performance results are recalculated to exclude trouble reports for which no troubles are found, CLEC trouble rates are lower. Under every other measure for high-capacity loop maintenance, Qwest achieved parity in at least three of four months. *Id.* at ¶ 85.

b) Idaho Performance

As of March 31, 2002, Qwest had in service 4,417 unbundled stand-alone loops for four CLECs in Idaho. Specifically, Qwest had in service 3,912 unbundled voice-grade analog loops, 487 xDSL-capable loops, and 18 high-capacity loops. *Id.* at ¶ 86.

Analog Loops – Installation. As in Colorado, most of the loops Qwest has in service for CLECs in Idaho are analog loops. Between January and April, under all of the installation performance metrics, Qwest did not record a single performance disparity for analog loops. *Id.* at ¶ 87. Qwest averaged between three and five minutes to perform the lift and lay

procedure for analog hot cuts. Qwest performed 100% of coordinated installations on time for non-analog loops and nearly 100% for analog loops (missing only once in nearly 400 coordinated installations over four months), surpassing the negotiated performance benchmark in each month. *Id.* at ¶¶ 88-89.

Analog Loops – Maintenance and Repair. Between January and April, Qwest did not record a single performance disparity under any repair measure. Of particular note was the trouble rate, which was never higher than 1.52% during that time. *Id.* at ¶ 90.

xDSL-Capable Loops. Qwest's performance for all types of xDSL-capable loops has been outstanding: for both installation and repair, Qwest achieved parity on every single performance measure between January and April. Qwest's performance with respect to conditioned loops was excellent as well, meeting the negotiated performance benchmark in all four months. *Id.* at ¶¶ 91-92.

High-Capacity Loops. High-capacity loops represent only a tiny fraction of the loops Qwest has in service for CLECs in Idaho: only 18 out of 4,417 loops are high-capacity loops. Qwest achieved parity in all four months under every single installation performance measure for high-capacity loops. Qwest's performance with respect to maintenance and repair of high-capacity loops in Idaho has been outstanding as well: Qwest did not record a single performance disparity under any repair measure. *Id.* at ¶¶ 93-94.

c) Iowa Performance

As of March 31, 2002, Qwest had in service 27,798 unbundled stand-alone loops for eight CLECs in Iowa. Specifically, Qwest had in service 26,294 unbundled voice-grade analog loops, 1,492 xDSL-capable loops, and 12 high-capacity loops. *Id.* at ¶ 95.

Analog Loops – Installation. Most of the loops Qwest provisions to CLECs in Iowa are analog loops, and Qwest consistently provisions them in a timely and

nondiscriminatory fashion. Under the main installation performance measurements – commitments met, installation interval, and installation quality – Qwest did not record a single performance disparity for analog loop installation.

Qwest averaged between two and three minutes to perform the lift and lay procedure for analog hot cuts. For coordinated installations, Qwest performed more than 99% of coordinated installations on time for analog loops and at least 95% on time in every month for all other loops, surpassing the negotiated performance benchmark in both categories in every month. *Id.* at ¶¶ 96-99.

Analog Loops – Maintenance and Repair. Qwest's performance with respect to maintenance and repair of analog loops has been outstanding. Between January and April, Qwest did not record a single performance disparity under any repair measure. Of particular note was the trouble rate, which was never higher than 0.88% during that time. *Id.* at ¶ 100.

xDSL-Capable Loops – Installation. For xDSL-capable loops, Qwest recorded only one disparity between retail and wholesale performance under the installation measures, missing parity in one month under the PID for new service installation quality for ISDN-capable loops. Apart from that single disparity, Qwest achieved parity on every installation performance measure between January and April for all types of xDSL-capable loops. With respect to conditioned loops, Qwest met the negotiated performance benchmark in every month for average installation interval; for installation commitments met, Qwest missed the benchmark in three months but achieved it in April, the most recent month, indicating an upward trend. *Id.* at ¶¶ 101-02.

xDSL-Capable Loops – Maintenance and Repair. Qwest's maintenance and repair of xDSL-capable loops was also excellent. The only significant performance disparity

Qwest recorded between January and April was under the trouble rate for ISDN-capable loops, where Qwest achieved parity in only one month. However, Qwest achieved parity in April, the most recent month, capping four months of steady improvement: the trouble rate improved from 4.05% in January to 1.37% in April. Under the category of 2-wire non-loaded loops, which represent the majority of xDSL-capable loops, Qwest's performance was excellent: Qwest recorded slight disparities for repair repeat report rate and mean time to restore, but still achieved parity in at least three out of four months under every maintenance and repair PID. *Id.* at ¶¶ 103-04.

High-Capacity Loops. High-capacity loops represent only a tiny fraction of the loops Qwest has in service for CLECs in Iowa: only 12 out of 27,798 loops are high-capacity loops. Between January and April, Qwest did not record a single performance disparity for either installation or maintenance and repair for high-capacity loops. *Id.* at ¶ 105.

d) Nebraska Performance

As of March 31, 2002, Qwest had in service 17,193 unbundled stand-alone loops for five CLECs in Nebraska. Specifically, Qwest had in service 15,222 unbundled voice-grade analog loops, 1,961 xDSL-capable loops, and no high-capacity loops. *Id.* at ¶ 106.

Analog Loops – Installation. As in the states already described, most of the loops Qwest provisions to CLECs in Nebraska are analog loops. Between January and April 2002, the average installation interval for analog loops has been better than the negotiated benchmark in the last two months and just over the six day benchmark in January and February, yielding a four-month average below the benchmark. Historically, Qwest has performed very well in Nebraska. The two months above the 6-day benchmark appear to be an aberration, as Qwest's regional data and historical Nebraska data reflect. Qwest met the benchmark for commitments met in the last two months, and even though commitments were missed in the prior two months,

the four-month average has been just under the 90% benchmark. In nine of the last 12 months, Qwest consistently exceeded the 90% benchmark, indicating that the deviation in January and February results was an anomaly. In summary, under the performance measurements that the Commission has relied on in its analysis of loop performance in prior 271 applications, Qwest achieved parity on all but four installation measures for analog loop installation between January and April. *Id.* at ¶¶ 107-08.

Qwest averaged six minutes to perform the lift and lay procedure for analog hot cuts in January, and between three and four minutes in February, March, and April. Qwest performed more than 97% of coordinated installations on time for analog loops. For non-analog loops, Qwest surpassed the negotiated performance benchmark of 95% in three of four months. *Id.* at ¶¶ 109-10.

Analog Loops – Maintenance and Repair. Between January and April, Qwest did not record a single performance disparity under any repair measure. Of particular note was the trouble rate, which was never higher than 1.02% during that time. *Id.* at ¶ 111.

xDSL-Capable Loops – Installation. Qwest's installation performance from January through April was perfect: Qwest did not record a single disparity between retail and wholesale performance in any month for any type of xDSL-capable loop. Qwest's performance for conditioned loops was good, meeting the benchmark for installation intervals in all four months and for installation commitments met in two of four months. *Id.* at ¶¶ 112-13.

xDSL-Capable Loops – Maintenance and Repair. For 2-wire non-loaded loops, Qwest recorded only one performance disparity for maintenance and repair (under the mean time to restore PID in one month). Apart from that, Qwest's maintenance and repair performance for 2-wire non-loaded loops was perfect. Qwest's maintenance and repair performance for other

types of xDSL-capable loops was nearly as good. For ISDN-capable loops, Qwest achieved parity in three of four months for repair trouble rate, and the CLEC trouble rate was never higher than 1.06%. Qwest also achieved parity in three of four months for ISDN-capable loops under the PIDs that measure mean time to restore and repair repeat report rate. Under the remaining maintenance and repair PIDs for ISDN-capable loops, and under all maintenance and repair PIDs for other xDSL-capable loops, Qwest's performance was perfect. *Id.* at ¶¶ 114-15.

High-Capacity Loops. High-capacity loops are a tiny percentage of the loops Qwest has in service for CLECs in Nebraska: only 10 out of 17,193 loops. For these few high capacity loops, Qwest failed to meet the performance standard only once between January and April under the maintenance and repair trouble rate. Even there, Qwest achieved parity in three of four months, and the CLEC trouble rate was never higher than 1.63%. Under every other maintenance and repair PID, and under every single installation PID, Qwest's performance with respect to high-capacity loops in Nebraska was perfect. *Id.* at ¶ 116.

e) North Dakota Performance

As of March 31, 2002, Qwest had in service 13,181 unbundled stand-alone loops for seven CLECs in North Dakota. Specifically, Qwest had in service 9,395 unbundled voice-grade analog loops, 3,718 xDSL-capable loops, and 68 high-capacity loops. *Id.* at ¶ 117.

Analog Loops – Installation. Most of the loops Qwest provisions to CLECs in North Dakota are analog loops, and Qwest consistently provisions them in a timely and nondiscriminatory fashion. Between January and April, Qwest's performance for analog loop installations was exceptional, with not one failure to achieve parity or the negotiated benchmark all four months. Qwest averaged only three minutes to perform the lift and lay for an analog hot cut loop and completed 100% of its coordinated installations on time. *Id.* at ¶¶ 118-19.

Analog Loops – Maintenance and Repair. Qwest's performance with respect to maintenance and repair of analog loops has been outstanding: between January and April, Qwest did not record a single performance disparity. Of particular note is the trouble rate, which has never been higher than .79% during that period. *Id.* at ¶ 120.

xDSL-Capable Loops. Qwest's performance with respect to xDSL-capable loops has been outstanding. Between January and April, Qwest did not record any significant performance disparities under either the installation or the maintenance and repair measures for any type of xDSL-capable loop. *Id.* at ¶ 121. As for conditioned loops, under the installation interval PID, Qwest met the negotiated performance benchmark in two of the three months with activity. On the commitments met measure, Qwest has not met the 90% benchmark due to the low volume of loops with conditioning being ordered by CLECs. To meet the 90% benchmark, Qwest must provision 100% on time. The regional data shows a clear upward trend, with Qwest above the 90% benchmark in April. *Id.* at ¶ 122.

High-Capacity Loops. CLECs have requested very few high-capacity loops in North Dakota. Nevertheless, Qwest's performance for both installation and repair has been flawless: between January and April, Qwest did not record a single disparity between retail and wholesale performance under any PID measuring high-capacity loops. *Id.* at ¶ 123.

In summary, Qwest's performance in all of the states included in this Application demonstrates that it is installing and repairing unbundled loops for CLECs in a nondiscriminatory manner.

f) Subloops

Qwest provides nondiscriminatory access to the subloop network element, defined by Commission rules as "any portion of the loop that is technically feasible to access at terminals in the [ILEC's] outside plant, including inside wire." 47 C.F.R. § 51.319(a)(2). An accessible

terminal is “any point on the loop where technicians can access the wire or fiber within the cable without removing a splice case to reach the wire or fiber within.” *Id.* Such points “may include, but are not limited to, the pole or pedestal, the network interface device, the minimum point of entry, the single point of interconnection, the main distribution frame, the remote terminal, and the feeder/distribution interface.” *Id.*

For subloop unbundling purposes, Qwest divides accessible terminals into two categories. “MTE terminals” are those within a building in a multiple tenant environment (“MTE”) or accessible terminals physically attached to a building in an MTE. “Detached terminals” are all other accessible terminals. *See Declaration of Karen A. Stewart, Unbundled Network Interface Devices and Subloops (“Stewart NID/Subloop Decl.”), Att. 5, App. A, at ¶ 31.* Different terms and conditions apply for MTE terminals than for detached terminals; all terms and conditions are in accordance with the Commission’s requirements for subloop unbundling.

As of March 31, 2001, Qwest had in service 54 unbundled subloops in Colorado and none in any other state in its region. Because of the low subloop volumes, it is difficult to draw broad conclusions from Qwest’s subloop performance. However, Qwest’s performance with respect to the few orders it has received from CLECs has been excellent. Between January and April, Qwest met 100% of its subloop installation commitments in three of four months. In the fourth month, Qwest missed only one installation commitment out of five orders. As for installation intervals, in three out of four months the average subloop interval was less than five days. Finally, Qwest achieved a trouble rate of 0.0% in all four months for both installations and repairs. *Id.* at ¶ 56.

g) Network Interface Devices (NIDs)

Qwest provides nondiscriminatory access to the NID, defined by the FCC as “any means of interconnection of end-user customer premises wiring to an ILEC’s distribution plant,

such as a cross connect device used for that purpose.” 47 C.F.R. § 51.319(b). Qwest allows requesting CLECs to connect their own loop facilities to on-premises wiring through Qwest’s NID or at any other technically feasible point. Stewart NID/Subloop Decl. at ¶¶ 10-12.

Through its SGAT and state-approved interconnection agreements, Qwest has undertaken a contractual obligation to provide unbundled NID access to CLECs. Qwest has received no orders for stand-alone unbundled NIDs in any state in its region. Qwest has provisioned NIDs only in conjunction with unbundled loops and subloops. Given the lack of demand, the ROC has not created any performance reporting requirements for NIDs. However, should CLECs request stand-alone NIDs at any time in the future, Qwest is prepared to provision them. *Id.* at ¶ 21.

h) Line Sharing

Qwest provides CLECs with access to the high frequency portion of the unbundled loop (“HFPL”), commonly known as line sharing, in accordance with Commission regulations. ^{30/} *See generally* Declaration of Karen A. Stewart, Line Sharing and Line Splitting (“Stewart Line Sharing Decl.”), Att. 5, App. A.; 47 C.F.R. § 51.319(h)(1)-(4); *Georgia/Louisiana 271 Order* at App. D, ¶¶ 50-52; *Line Sharing Order*, 14 FCC Rcd 20912; *Line Sharing Reconsideration Order*, 16 FCC Rcd 2101. In a line sharing arrangement, the POTS service is provided by Qwest while the data service is provided by the CLEC. Pursuant to its SGAT as well as negotiated, state-approved interconnection agreements with CLECs in the states included

^{30/} On May 24, 2002, the Court of Appeals for the District of Columbia Circuit vacated the FCC’s Order and Rules creating the line sharing obligation. *United States Telecom Ass’n v. FCC*, ___ F.3d ___, 2002 WL 1040574 (D.C. Cir. May 24, 2002). Qwest currently is reviewing its rights and obligations regarding this matter. Any changes to Qwest’s policies and practices subsequent to the issuance of the Court’s mandate will be governed by applicable law and the Commission rules then in effect, as well as the “change in law” provisions of its interconnection agreements.